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EXAMINER	
FISCHMANN, BRYAN R	
ART UNIT	PAPER NUMBER
3618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/998,813	LONG
Examiner	**Art Unit**
Bryan Fischmann	3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Jan 10, 2003*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above, claim(s) *1-45 and 66-69* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *46-65* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *Oct 24, 2001* is/are a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Notice of Irradiated Correspondence*

Acknowledgments

1. The Election (paper 4) filed 1-10-2003 has been entered.

Election/Restriction

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I - traction improving apparatus with aperture, buckle connection and traction teeth for a ski. (Figures 1-6)

Species II - traction improving apparatus connected by an interchange mechanism (240) and traction teeth for a ski. (Figure 7)

Species III - traction improving apparatus with a bend in the engagement assembly and a rudder in place of teeth for a ski. (Figures 8-11)

Species IIII - traction improving apparatus fastened with mechanical fasteners for a ski (Figures 12 and 13)

Subspecies A - Species IIII with teeth. (Figures 12 and 12 A)

Subspecies B - Species IIII with a rudder. (Figure 13)

Species V - traction enhancing fabric for a ski. (Figures 14-18)

Species VI - traction enhancing fabric for a shoe. (Figures 19 and 19A)

Species VII - traction enhancing fabric for a tire. (Figures 20 and 21)

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species and subspecies, if Species IIII is selected, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims are generic as listed below.

Claims 1 and 2, 8-10, 15-17, 19, 25-27, 32, 33 and 39-41 - Generic to Species I-IIII

Claim 3, 13 and 14, 20, 30, 31, 34, 44, 45 and 66 - Generic to Species I-III

Claims 4-7, 21-24 and 35-38 - Generic to Species I, II and IIIIA

Claims 11, 12, 28, 29, 42 and 43 - Generic to Species III and IIIIB

Claim 18 - Generic to Species IIIIA and IIIIB

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to

be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

3. A telephone call was made to Grant Clayton on 09 December 2002 to request an oral election to the above restriction requirement, but did not result in an election being made. In a voice mail left by Mr. Clayton on 10 December 2002, Mr. Clayton requested a written election requirement (paper 3).

4. The reply to paper 3 (paper 4) included an election to prosecute species V, claims 46-65. Claims 1-45 and 66-69 are therefore withdrawn from prosecution. Since the Applicant did not say in paper 4 whether the election is made with or without traverse, the election is treated as being made without traverse.

It is requested Applicant cancel all claims drawn to a non-elected species.

5. An action on the merits of species V (claims 46-65) follows.

Specification

6. The disclosure is objected to because of the following:

A) The following recited phrases are unclear, awkwardly worded, and/or grammatically incorrect:

1) On line 21 of sheet 1, it is believed the word "past" should instead be "pass"

2) On line 4 of sheet 4, it is believed the word "to" should be inserted between the words "skier" and "navigate"

3) On line 8 of sheet 9, it is believed the word "device" should be inserted between the words "Dubuque" and "assumes". Compare to line 12 of sheet 9.

4) On line 18 of sheet 22, it seems that the word "is" should not be present

5) To be grammatically correct, it is believed the word "parasailing" on line 1 of sheet 34 should instead be "parasail"

6) To be grammatically correct, it is believed the word "know" on line 1 of sheet 44 should instead be "known"

B) The following inconsistencies in nomenclature were noted:

1) Lines 4, 5 and 12 of sheet 37 recites "engagement assembly 402". Lines 6 and 7 of sheet 37 recites "protrusion assembly 402". Line 22 of sheet 37 recites "engagement assembly 404".

To avoid confusion to the reader, and to facilitate identifying components by nomenclature in the claims, it is requested Applicant use consistent nomenclature for the same reference number throughout the specification.

C) Although not strictly objectionable, since it does not pertain to the elected species, the explanation of the "interchange mechanism" beginning on sheet 30 is considered unclear as to exactly how the interchange mechanism is structured and functions.

7. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

It is noted that claims 46-56 are method claims while Applicant has disclosed only an apparatus. This is not necessarily objectionable, as long as the method is apparent or obvious in light of the apparatus. However, the Applicant has included some limitations in claims 46-56 that are not considered apparent from the disclosure of the apparatus. These limitations are listed below:

1) claim 46 - "preparing the snow-traveling device for receiving the friction enhancing material". This would apparently involve some preparation of the surface, possibly involving cleaning, or application of an unknown chemical. The Examiner cannot find support for this "preparation" of the snow-traveling device.

Similarly, this applies to the recitation of "preparing the friction enhancing material for application onto the snow-traveling device" in claim 46.

2) claim 52 - "the step of orienting the snow-traveling device such that the human can clean off any loose debris on the second contacting surface of the snow traveling device"

3) Claim 53 - "a roll having an outside diameter less than about four inches"

Drawings

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: 14 (Figure 12A), 328, 332. Correction is required.

9. Although not strictly objectionable, it is not clear why there is one area toward the front of Figure 18 that does not correspond to a labeled dimension such as "A" or "D", while all other portions of the ski, with the exception of the tip and tail, do correspond to a labeled dimension.

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the features canceled from the claims. No new matter should be entered.

1) claim 46 - "preparing the snow-traveling device for receiving the friction enhancing material" and "preparing the friction enhancing material for application onto the snow-traveling device"

2) claim 52 - "the step of orienting the snow-traveling device such that the human can clean off any loose debris on the second contacting surface of the snow traveling device"

Claim Objections

11. Claim 57 is objected to because of the following:

A) To be grammatically correct, the recitation of "contacting" on line 5 of sheet 2 of claim 57 should instead be "contact"

Claim Rejections - 35 USC § 101

12. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 52, 54, 55 and 57 positively recites "the human" or "a human" (line 2 of claim 57). A human is non-statutory subject matter.

To overcome this rejection, "the human" should only be recited within functional language such as was done on line 16 of claim 46.

Claim Rejections - 35 USC § 112

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 46-56 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant regards as his invention.

A) Claim 46 recites "A method of applying a friction enhancing material to a snow-traveling device...comprising the steps of...preparing the snow-traveling device for receiving the friction enhancing material...preparing the friction enhancing material for application onto the snow-traveling device..."

As already noted in this Office Action, since the "preparation" of the snow-traveling device for receiving the friction enhancing material has not believed to have been disclosed in the disclosure, it is considered what "steps" would be involved in this "preparation".

For purposes of examination, the Examiner will assume that "preparation" of the snow traveling device involves only things such as removing dirt, etc. from the snow-traveling surface.

The above comments also apply to the "preparation" of the friction enhancing material.

Note that Section 608.01 (o) and 2173.05(a) of the MPEP requires that nomenclature used in the claims be apparent from the specification and drawings, unless it is apparent from the prior art.

Note that Section 608.01(g) of the MPEP also recites "The description is a dictionary for the claims and should provide clear antecedent basis for all terms used in the claims".

B) Claim 46 recites the limitation "the flexible fabric" on line 15 of sheet 2 of claim 46. There is insufficient antecedent basis for this limitation in the claim.

C) Claim 56 recites the limitation "its first end". There is insufficient antecedent basis for this limitation in the claim. Note that the use of the word "its" implies that the "first end" has already been introduced, which is not believed to be the case.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 57 and 62 and rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 1-146568.

Japanese Patent 1-146568 teaches an apparatus for improving human mobility on congealed precipitation by utilizing a snow-traveling device (4), the snow-traveling device having a first end (front of apparatus on Figure 3), a second end (back of apparatus on Figure 3) and a contacting surface (surface on Figure 3 opposite that onto which reference number 1 is applied), said apparatus comprising:

friction enhancement means (1) for enhancing friction between the contacting surface of said snow-traveling device and the congealed precipitation;

a first side (lower surface of reference number 1 on Figure 1) provided on the friction enhancement means adapted for making contact with the snow-traveling device;

a second side (upper surface of reference number 1 on Figure 1) provided on the friction enhancement means for contacting the congealed precipitation surface; and

means for adhering (2) the first side of said friction enhancement means to the contacting surface of the snow-traveling device to increase the friction between the snow-traveling device and the congealed precipitation to improve mobility of the snow-traveling device on the congealed precipitation.

Regarding claim 62, see the English Language Abstract.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 46 and 50-55, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 1-146568.

Japanese Patent 1-146568 teaches a method (see comments below) of applying a friction enhancing material (1) to a snow-traveling device (4), said snow-traveling device having a first surface (surface on Figure 3 opposite that onto which reference number 1 is applied) for engaging a human and a second contacting surface (surface onto which reference number 1 is applied) for contacting a congealed precipitation surface, said friction enhancing material comprising a first side and a second side (Figure 1), said method comprising the steps of:

interposing an adhesive (2 - English Language Abstract) between the second contacting surface of the snow-traveling device and the first side of the friction enhancing material to releasably adhere (see comments below) the friction ~~the friction~~ enhancing material to the snow-traveling device.

Japanese Patent 1-146568 fails to explicitly state the steps of "preparing the snow-traveling device for receiving the friction enhancing material onto the second contacting surface of said snow-traveling device", "preparing the friction enhancing material for application onto the snow-traveling device" and "applying pressure to the second side of the friction enhancing material to thereby install the friction enhancing material onto the second contacting surface on the snow traveling device".

However, the following is noted:

1) Regarding the step of "preparing the snow-traveling device for receiving the friction enhancing material onto the second contacting surface of said snow-traveling device", this step may be nothing more than manually cleaning-off any dirt or snow that may be on the surface of the snow-traveling device. The Examiner takes Official Notice that it is known to an ordinary person that before two surfaces are joined by adhesives that the surfaces should be free of any foreign material. Foreign material on surfaces to be joined by adhesives will likely adversely affect the bond of the adhesives.

2) Regarding the step of "preparing the friction enhancing material for application onto the snow-traveling device", this step may also be nothing more than manually cleaning-off

any dirt or snow that may be on the surface of the friction enhancing material, or simply unpacking the "friction enhancing material" from its storage location. The Examiner takes Official Notice that it is known to an ordinary person that before two surfaces are joined by adhesives that the surfaces should be free of any foreign material. Foreign material on surfaces to be joined by adhesives will likely adversely affect the bond of the adhesives.

3) Regarding the step of "applying pressure to the second side of the friction enhancing material to thereby install the friction enhancing material onto the second contacting surface on the snow traveling device", the Examiner takes Official Notice that it is known to an ordinary person that after adhesives are applied to two surfaces to be joined that pressure, such as may be applied by a clamp, or manually, is usually necessary to insure a proper bond of the two surfaces. Lack of applying pressure to two surfaces to be joined by adhesives often results in the two surfaces separating, thereby preventing a bond, or resulting in a "marginal" bond between the two surfaces.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the snow-traveling device of Japanese Patent 1-146568 for receiving the friction enhancing material onto the second contacting surface of said snow-traveling device, to prepare the friction enhancing material of Japanese Patent 1-146568 for application onto the snow-traveling device and apply pressure to the second side of the friction enhancing material of Japanese Patent 1-146568 to thereby install the friction enhancing material onto the second contacting surface on the snow traveling device.

Regarding the method of applying a friction enhancing material to a snow traveling device recited in claim 46, it is the Examiner's position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the claimed method of taught by Japanese Patent 1-146568. Because the prior art discloses all the structure necessary to perform the claimed functions, one of ordinary skill in the art would find the claimed method to be an obvious step in light of the disclosed structure. See MPEP §2112.02. See also *In re King*, 801 F2d 1324, 1326; 231 USPQ 136, 138 (Fed Cir 1986).

Regarding claim 50, the Examiner takes Official Notice that it is known to utilize double-sided adhesive tape to join two surfaces. Double-sided adhesive tape is an easy, and relatively "mess-free" way to join two surfaces, as there is no "liquid" adhesive that must be applied, which could inadvertently find it's way onto the applier's hands, or unwanted places on the parts being joined. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize double-sided adhesive tape apply the friction enhancing material of Japanese Patent 1-146568. Further note that Applicant admits on lines 19-21 of sheet 45 that the use of "double-sided" tape is known to those of ordinary skill in the art. Note that per Section 2129 of the MPEP that admitted prior art by Applicant is available against the claims.

Regarding claim 51, note that any two surfaces which are "affixed", may be "released", or separated with varying degrees of difficulty.

Regarding claim 52, see the rejection for claim 46.

Regarding claim 53, the comments regarding the use of "double-sided adhesive tape" in claim 50 also apply to claim 53. Regarding the claim 53 recitation "...a roll having an outside diameter less than about four inches", the Examiner takes Official Notice that rolls of double-sided tape of "about four inches" are known to those of ordinary skill in the art. A roll of "about four inches" could be met by a "roll" utilized that is larger, or smaller than 4 inches, or was originally much larger than four inches, but has been partially "used-up" so that it is now "about" 4 inches.

Regarding claims 54 and 55, see the rejection for claim 46.

20. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 1-146568 in view of Sutherland, US Patent 6,105,990.

Japanese Patent 1-146568 fails to teach the friction enhancing material further comprises a woven slant pile pattern.

However, the English Language Abstract of Japanese Patent 1-146568 teaches that the friction enhancing material comprises a "fabric". Lines 35 and 36 of column 1 of Sutherland recites "Climbing skins have now been replaced by woven fabrics with a slant pile hereby referred to as 'climbing fabric". Fabrics are generally "woven", as that is how they are formed. Fabrics composed of fibers are also stronger when the fibers are "interwoven", as the "weave" resists deformation of the material.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a woven slant pile pattern for the fabric of Japanese Patent 1-146568, as taught by Sutherland.

21. Claims 56 and 64 rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 1-146568, in view of Held, et al, US Patent 2,162,888.

Japanese Patent 1-146568 fails to teach a fastener at a first end of the friction enhancing material adapted for fastening the friction enhancing material to the snow-traveling device.

However, Held teaches a fastener (2) adapted for fastening a first end of fastening friction enhancing material (1) to a snow-traveling device (27). A fastener for fastening friction enhancing material to a snow-traveling device is advantageous in that the fastener provides a "strong" and "reliable" method of joining the friction enhancing material to the snow-traveling device. This is especially important a the "first end" or front of the friction enhancing material, as the front, or "leading edge" of the friction enhancing material is where separation from the snow traveling device is most likely to occur, as this is where the friction enhancing material will experience the largest forces.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a fastener adapted for a fastening a first end of the fastening friction enhancing material to the snow-traveling device of Japanese Patent 1-146568, as taught by Held.

22. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 1-146568.

Japanese Patent 1-146568 fails explicitly state that "droplets" protrude out from the friction enhancement means.

However, when the apparatus is used in wet snow, or when the apparatus is used on snow and it is raining, "droplets" will protrude out from the friction enhancement means, as the friction enhancement means, when used under these conditions will become saturated with water. When "gravity" and "dynamic forces" caused by use of the snow traveling device force some of the water out of the friction enhancement means, the surface tension of the water will cause the water to form into "droplets", which will "protrude" out from the friction enhancement means.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that when the apparatus is used in wet snow, or when the apparatus is used on snow and it is raining, "droplets" will protrude out from the friction enhancement means of Japanese Patent 1-146568.

Note that the above rejection is partially based on reliance on "Scientific Theory". See Section 2144.02 of the MPEP.

23. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 1-146568 in view of Sutherland, US Patent 6,105,990.

Japanese Patent 1-146568 fails to teach the friction enhancing material further comprises a woven pattern.

However, the English Language Abstract of Japanese Patent 1-146568 teaches that the friction enhancing material comprises a "fabric". Lines 35 and 36 of column 1 of Sutherland recites "Climbing skins have now been replaced by woven fabrics with a slant pile hereby referred to as 'climbing fabric". Fabrics are generally "woven", as that is how they are formed. Fabrics composed of fibers are also stronger when the fibers are "interwoven", as the "weave" resists deformation of the material.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a woven pattern for the fabric of Japanese Patent 1-146568, as taught by Sutherland.

Regarding the recitation of a "first dimension" and a "second dimension" in claim 61, these two dimension may be arbitrarily selected as two segments along the length of the apparatus. Since Sutherland teaches that the fabrics are woven, but makes no mention of the "weave" changing along the length of the apparatus, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the "woven pattern" is the same when viewed in the direction of the first direction or the second direction.

24. Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 1-146568.

Japanese Patent 1-146568 fails to teach that the adhesive (2) is "double sided tape".

However, the Examiner takes Official Notice that it is known to utilize double-sided tape to join two surfaces. Double-sided tape is an easy, and relatively "mess-free" way to join two

surfaces, as there is no "liquid" adhesive that must be applied, which could inadvertently find it's way onto the applier's hands, or unwanted places on the parts being joined.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize double-sided adhesive tape apply the friction enhancing material of Japanese Patent 1-146568.

Further note that Applicant admits on lines 19-21 of sheet 45 that the use of "double-sided" tape is known to those of ordinary skill in the art. Note that per Section 2129 of the MPEP that admitted prior art by Applicant is available against the claims.

Allowable Subject Matter

25. Claims 48, 49, 58, 59 and 65 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph and 35 USC 101, as applicable, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Robinson, et al - teaches ski modified for climbing

B) Lambert - teaches ski with fabric (7) on the bottom

C) Ayliffe - teaches apparatus for affixing climbing skins to skis

D) Swiss Patent 637839 - teaches use of adhesives to affix sealskin to a ski

E) German Patent 3624597 - teaches uses of a climbing aid on a bottom of a ski

27. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Bryan Fischmann whose telephone number is (703) 306-5955. The examiner can normally be reached on Monday through Friday from 7:30 to 4:00.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson, can be reached on (703) 308-0885. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BF

03/01/03

BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

3/6/03

Application/Control Number 09/988,813 Attachment to Paper No. 5
Art Unit 3618

Notice Regarding Treatment of Irradiated Correspondence

The following papers have not been made part of the permanent records of the United States Patent and Trademark Office (Office) for this application (37 CFR 1.52(a)) because of damage from the United States Postal Service irradiation process:

Mailroom Stamp Date	Certificate of Mailing Date
7-1-2	6-24-2

The above-identified papers, however, were not so damaged as to preclude the USPTO from making a legible copy of such papers. Therefore, the Office has made a copy of these papers, substituted them for the originals in the file, and stamped that copy:

COPY OF PAPERS
ORIGINALLY FILED

If applicant wants to review the accuracy of the Office's copy of such papers, applicant may either inspect the application (37 CFR 1.14(d)) or may request a copy of the Office's records of such papers (*i.e.*, a copy of the copy made by the Office) from the Office of Public Records for the fee specified in 37 CFR 1.19(b)(4). Please do **not** call the Technology Center's Customer Service Center to inquiry about the completeness or accuracy of Office's copy of the above-identified papers, as the Technology Center's Customer Service Center will **not** be able to provide this service.

If applicant does not consider the Office's copy of such papers to be accurate, applicant must provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the originally submitted documents. If applicant provides such a copy of the above-identified papers and statement within **THREE MONTHS** of the mail date of this Office action, the Office will add the original mailroom date and use the copy provided by applicant as the permanent Office record of the above-identified papers in place of the copy made by the Office. Otherwise, the Office's copy will be used as the permanent Office record of the above-identified papers (*i.e.*, the Office will use the copy of the above-identified papers made by the Office for examination and all other purposes). This three-month period is not extendable.